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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,696	03/19/2004	Salvatore Sabbatino	871-011743-US(PAR)/360212	9153
2512	7590	07/13/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			VU, JIMMY T	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/804,696	Applicant(s) SABBATINO ET AL.	
	Examiner Jimmy T. Vu	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9-11 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-8 and 12-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 9-11 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Reedy (U.S. Patent number 6,583,445 B1).

Regarding claim 1, Reedy discloses a transmitter optical sub assembly (10) (Figs. 2A, 2B) including a laser source (20) (Figs. 2A, 2B) having associated therewith a laser driver (34) (Fig. 3A) as well as a package for said laser source and said laser driver, wherein said package includes respective separate compartments for said laser source and said laser driver, the laser source and the laser driver being arranged in said separate compartments whereby said laser source is exempt from being directly irradiated by said laser driver (Figs. 2A-2C, 3A-3E, col. 15, lines 55-65, col. 16, lines 1-65).

Regarding claim 9, Reedy discloses the assembly wherein said package includes compartment for hosting said laser source together with alignment optics associated therewith (Figs. 2A-2C, 3A-3E).

Regarding claim 10, Reedy discloses the assembly wherein the compartment provided in said package for said laser driver defined by base member extending from the body of the package (Figs. 2A-2C, 3A-3E).

Regarding claim 11, Reedy discloses the assembly wherein the compartment provided in said package for said laser driver defined by base member exempt from boundary walls (Figs. 2A-2C, 3A-3E).

Regarding claim 18, Reedy discloses a transmitter optical sub assembly (10) (Figs. 2A, 2B) including a laser source (20) (Figs. 2A, 2B) having associated therewith a laser driver (34) (Fig. 3A) as well as a package for said laser source and said laser driver, wherein said package includes respective separate compartments for said laser source and said laser driver, the laser source and the laser driver being arranged in said separate compartments whereby said laser source is exempt from being directly irradiated by said laser driver, and said compartment provided in said package for said laser driver is defined by a base member exempt from boundary walls (Figs. 2A-2C, 3A-3E, col. 15, lines 55-65, col. 16, lines 1-65).

Allowable Subject Matter

3. Claims 2-8, 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art teaches the assembly wherein the package includes a

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package wall opaque to IR emission separating the laser source and the laser driver, and wherein the package is essentially comprised of shaped body of an IR opaque material, ceramics material, or alumina.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

June 30, 2005


WILSON LEE
PRIMARY EXAMINER